
HALDIMAND COUNTY

Report PW-SW-03-2018 Amending Landfill Agreement 2018

For Consideration by Council in Committee on September 18, 2018



OBJECTIVE:

To obtain Council approval to enter into the 2018 Amending Landfill Agreement with The Mississaugas of the New Credit First Nation and Norfolk County.

RECOMMENDATIONS:

1. **THAT** Report PW-SW-03-2018 Amending Landfill Agreement 2018 be received;
2. **AND THAT** the 2018 Amending Landfill Agreement, included as Attachment 1 to Report PW-SW-03-2018, be approved;
3. **AND THAT** a copy of Report PW-SW-03-2018 be forwarded to Norfolk County for their review and approval;
4. **AND THAT** the Mayor and Clerk be authorized to execute the 2018 Amending Landfill Agreement.

Prepared by: David Pressey, Manager of Solid Waste Operations

Respectfully submitted: Philip Mete, P. Eng., General Manager of Public Works

Approved: Karen General, CPA, CGA, Deputy Chief Administrative Officer

EXECUTIVE SUMMARY:

Staff, along with Norfolk County and The Mississaugas of the New Credit First Nation are desirous of further amending the Tom Howe Landfill Agreement in relation to Appendix 5, Boundary Criteria, and Table C.1 (Attachment 1). The proposed changes to the background concentrations listed in Table C.1 will simplify the review of the water quality testing results and should minimize the occurrence of false negatives. Given that the Tom Howe Landfill Site is jointly owned with Norfolk County, their approval of the amendments is required.

BACKGROUND:

The Region of Haldimand-Norfolk first entered into an Agreement, respecting the Tom Howe Landfill Site, with The Mississaugas of the New Credit First Nation (MNC) in 1996. In 2001, Haldimand County and Norfolk County replaced the former Region and became joint owners of both the Tom Howe and Canborough Landfill Sites, and the successor parties to any related agreements. The Tom Howe Landfill Site is situated directly adjacent to the boundary of the MNC Reserve. As such, an Agreement was struck to ensure that the landfill site was operated and maintained in a manner that would protect the interests of MNC while ensuring the efficient and effective management of municipal waste.

In 2008, the Agreement was amended to address the anticipated closure date for the Tom Howe Landfill, to detail allowable post-closure activities, and to allow MNC access for the deposit of waste at the Canborough Landfill Site, or its successor site.

In 2010, the Agreement was amended to address an extended closure date for the Tom Howe Landfill Site.

In 2017, the Agreement was further amended to revise the terms surrounding MNC use of the Canborough Waste Management Facility and to apply an expiry date of October 31, 2040 with respect to MNC use of the Canborough Waste Management Facility.

ANALYSIS:

The Tom Howe Landfill Site was closed in October 2015. Over the past three years, Haldimand County staff have operated and maintained the closed landfill in accordance with the applicable Ministry of the Environment, Conservation and Parks (MECP) approvals, the Amending Agreement – Landfill between MNC, Norfolk County and Haldimand County and the Joint Waste Management Operational Agreement.

Upon review of the 2017 Annual Monitoring Report, Haldimand staff along with Norfolk County and MNC, are proposing to revise the background concentrations listed in Appendix 5, Table C.1 of the Amending Agreement – Landfill.

All parties mentioned above agree that the recommended changes will simplify the review of the water quality with Table C.1 as the trigger levels will be the same for all wells and the limits have been set at levels where “false positives” should be minimized.

Norfolk County has a vested ownership responsibility for the assets and liabilities of the Canborough and Tom Howe Landfill Sites so must be a signatory to any Agreements affecting such obligations. Accordingly, it is recommended that a copy of this report be forwarded to Norfolk Council for their approval of the amending Agreement.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: Yes

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. 2018 Amending Agreement – Landfill and Appendix 5, Table C.1